

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**UNITED STATES OF AMERICA, §  
v. § CRIMINAL CASE NO. 3:18-CR-235-S  
JEAN LOUI VARGAS-MALAVE (02) §**

**RECOMMENDATION REGARDING MOTION TO PROCEED  
IN FORMA PAUPERIS ON APPEAL**

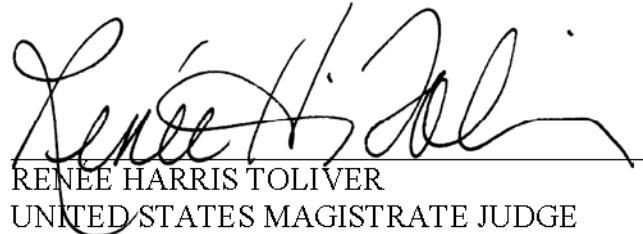
Before the Court is Defendant's motion to proceed *in forma pauperis* on appeal filed August 17, 2020, which was referred to the undersigned United States magistrate judge. Doc. 410; Doc. 411. Defendant appeals from the July 24, 2020 order overruling his objections to the Court's Order Denying his Covid-19 motion for Home Confinement/Compassionate Release and denying his motion for reconsideration contained therein. Doc. 408.

It is recommended that the Court deny the motion to proceed *in forma pauperis* on appeal and certify, pursuant to Fed. R. App. P. 24(a) and 28 U.S.C. § 1915(a)(3), that the appeal is not taken in good faith. For the reasons stated in the July 24, 2020 order and the June 18, 2020 *Memorandum Opinion and Order*, Doc. 404, the appeal presents no legal points of arguable merit and is therefore frivolous.

*Although this appeal should be certified as not taken in good faith under 28 U.S.C. § 1915(a)(3) and FED. R. APP. P. 24(a)(3), the defendant may challenge this finding by filing a separate motion to proceed in forma pauperis on appeal with the Clerk of Court, U.S. Court of*

*Appeals for the Fifth Circuit, within 30 days of the District Court's order adopting this recommendation.*

**SO RECOMMENDED** on August 20, 2020.



RENEE HARRIS TOLIVER  
UNITED STATES MAGISTRATE JUDGE